

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 28, 2018

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DR. ALAN SACERDOTE, et al.,
:

Plaintiffs,
:

-v-
:

NEW YORK UNIVERSITY,
:

Defendant.
:
:
----- X

16-cv-6284 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

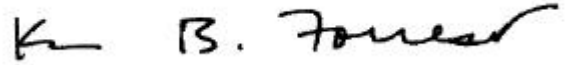
On March 2, 2018, Columbia University filed a motion to intervene and unseal documents. (ECF No. 178.) In response, the Court allowed plaintiffs and various interested parties to review unredacted versions and propose redactions of any truly confidential information. (See ECF Nos. 180, 185, 188, 195, 220.) On March 23, 2018, the Court informed the parties of its specific rulings on their proposed redactions. (ECF No. 226.) The spreadsheet emailed to the parties on that day is attached to this Order. The parties were given until March 27, 2018 to object to any specific rulings. (See id.)

As no objection has been filed, the Court now orders the parties to file public versions of the materials filed in support of their summary judgment motions that

comport with the Court's rulings on redactions (see attachment) **not later than March 30, 2018.**

SO ORDERED.

Dated: New York, New York
March 28, 2018

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge

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Court's Rulings on Requested Redactions

Item	Suggested Redaction	Party Requesting	ECF Number of Redaction Request	ECF No. of Document	Court's Decision
Defendant's Memorandum of Law in Support of Motion for SJ	Page 15, line 20 through Page 16, line 2 & n.47	Cammack	ECF No. 219	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 16, line 21 through Page 17, line 8 & nn.48-51	Cammack	ECF No. 219	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 23, references to Monaco's investments	Plaintiffs	ECF No. 223	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 23, references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 24 references to Monaco's investments	Plaintiffs	ECF No. 223	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 24 references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 132	Denied
Defendant's Memorandum of Law in Support of Motion for SJ	Page 4, n.4	Cammack	ECF No. 219	ECF No. 132	Denied
Defendant's Rule 56.1 Statement	Page 11, n.63	Vanguard	ECF No. 222	ECF No. 133	Parties may redact the last parenthetical only in footnote 63
Defendant's Rule 56.1 Statement	Paragraph 121 last sentence & n. 273	Cammack	ECF No. 219	ECF No. 133	Denied
Defendant's Rule 56.1 Statement	Paragraph 122 & nn. 274-275 (citations to Rezler Declaration)	Cammack	ECF No. 219	ECF No. 133	Denied
Defendant's Rule 56.1 Statement	Paragraph 28 & nn. 67 & 68 (citations to Rezler Declaration)	Cammack	ECF No. 219	ECF No. 133	Denied
Defendant's Rule 56.1 Statement	Paragraph 36	Plaintiffs	ECF No. 223	ECF No. 133	Redact only the last sentence so that it reads: "Mr. Miller is still invested in the CREF Stock Account in both of those plans, and according to Mr. Miller, his investment in that fund grew by approximately [redacted] over 8 years."
Defendant's Rule 56.1 Statement	Paragraph 38	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance number
Defendant's Rule 56.1 Statement	Paragraph 41 references to Monaco's investments	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance numbers
Defendant's Rule 56.1 Statement	Paragraph 45, references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 133	Denied
Defendant's Rule 56.1 Statement	Paragraph 46, references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance numbers
Defendant's Rule 56.1 Statement	Paragraph 47, references to Brown's investments	Plaintiffs	ECF No. 223	ECF No. 133	Denied
Defendant's Rule 56.1 Statement	Paragraph 48, references to Brown's investments	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance number
Defendant's Rule 56.1 Statement	Paragraph 51, references to Sacerdote's investments	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance number
Defendant's Rule 56.1 Statement	Paragraph 53, references to Samuels's investments	Plaintiffs	ECF No. 223	ECF No. 133	Redact the account balance number
Defendant's Rule 56.1 Statement	Paragraphs 123-124 & nn. 276-279	Cammack	ECF No. 219	ECF No. 133	Redact paragraph 123: In 2011, TIAA's required revenue rates across the Comparison Group ranged "from a high of 18 bps to a low of 9 bps," and in 2016 ranged from "a high of [redacted] to a low of [redacted]." Of the Comparison Group, in 2010, the NYU Washington Square Group had the highest plan assets and was in the second-lowest quartile for fees paid to TIAA, and in 2016, "NYU Washington Square Group ranked in the [redacted]-highest quartile of plan assets, while its fees paid to TIAA ranked in the [redacted]-lowest quartile." Redact paragraph 124: "Additionally, of the Comparison Group, in 2016, NYU Langone Group ranked in the [redacted] highest quartile of plan assets, and the [redacted] lowest quartile of fees paid to TIAA. NYU Langone Group's fees dropped after it consolidated to one recordkeeper, although it's [sic] prior "use of a multiple record-keeper arrangement was not unusual"
Taylor Dec., Ex. 103 (Internal Vanguard Email Correspondence)	Full document	Vanguard	ECF No. 222	ECF No. 134-103	Redact in full
Taylor Dec., Ex. 123 (All-in-Fee Report dated June 30, 2011)	Full document	Vanguard	ECF No. 222	ECF No. 134-123	Redact in full
Taylor Dec., Ex. 19 (Recordkeeping Fee Agreement)	Full document	Vanguard	ECF No. 222	ECF No. 134-19	Redact pages Bates stamped Vanguard-NYU_0000046 through 0000050
Taylor Dec., Ex. 22 (Transcript of the Deposition of George Heming)	Full document	Vanguard	ECF No. 222	ECF No. 134-22	Denied
Ex. 67 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-67	Redact all PII, including, <u>inter alia</u> , name, SSN, DOB, certificate numbers
Ex. 69 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-69	Redact all dollar amounts
Ex. 70 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-70	Redact in full
Ex. 71 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-71	Redact line 254:9 so that it reads: "range of [redacted] in retirement"; line 267:3 so that it reads "total of [redacted]"; and all dollar amounts on page 269
Ex. 73 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-73	Redact in full
Ex. 75 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-75	Redact dollar amounts on pages 68, 69, 71, 72
Ex. 76 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-76	Redact in full

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Ex. 77 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-77	Redact in full
Ex. 78 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-78	Redact in full
Ex. 79 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-79	Denied
Ex. 80 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-80	Redact in full
Ex. 81 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-81	Redact in full
Ex. 82 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-82	Redact in full
Ex. 83 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-83	Denied
Ex. 84 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-84	Redact in full
Ex. 85 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-85	Denied
Ex. 87 to Declaration of Ian C. Taylor	Full document	Plaintiffs	ECF No. 223	ECF No. 134-87	Redact in full
May 2008 Cammack Proposal to NYU (Taylor Dec., Ex. 90)	Full document	Cammack	ECF No. 219	ECF No. 134-90	Denied
Declaration of Jan Rezler (Taylor Decl., Ex. 91)	Paras. 5, 7-9	Cammack	ECF No. 219	ECF No. 134-91	Para 5: Denied Para 7: line 3 alone may be redacted to read: "a low of 9 bps, and in 2016 from a high of [redacted] to a low of [redacted]. In 2011, there" Para 8: the second sentence alone may be redacted to read: "In 2016, the NYU Washington Square Group ranked in the [redacted]-highest quartile of plan assets, while its fees paid to TIAA ranked in the [redacted]-lowest quartile. Para 9: The second sentence alone may be redacted to read: "In 2016, the NYU Langone Group ranked in the [redacted]-highest quartile of plan assets, and the [redacted]-lowest quartile of fees paid to TIAA."
Cammack-NYU Services Agreement (Taylor Dec., Ex. 92)	Full document	Cammack	ECF No. 219	ECF No. 134-92	Pages marked Exhibit B may be redacted
Plaintiffs' Brief in Opposition to Motion for SJ	Page 3, lines 16-17 & n. 15 (citation to Rohlf Ex. 5), Page 4, line 1 (reference to Cammack).	Cammack	ECF No. 219	ECF No. 162	Denied
Plaintiffs' Brief in Opposition to Motion for SJ	Page 4, lines 15-17	Vanguard	ECF No. 222	ECF No. 162	Denied
Plaintiffs' Rule 56.1 Statement	Page 157, para. 223 & n.839	Vanguard	ECF No. 222	ECF No. 163	Denied
Plaintiffs' Rule 56.1 Statement	Page 27, lines 11-15 & nn.129-130	Vanguard	ECF No. 222	ECF No. 163	Parties may redact dollar amounts in lines 12 and 13 and in footnote 130
Plaintiffs' Rule 56.1 Statement	Page 70, lines 9-11 & n.364	Vanguard	ECF No. 222	ECF No. 163	Denied
Plaintiffs' Rule 56.1 Statement	Pages 160-61, paras. 236-37 & nn.859-60	Vanguard	ECF No. 222	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 121, page 98, lines 10-14, and page 99, lines 4-5	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 122, page 99, line 8 through page 100, line 5	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 123, page 100, line 16 through page 101, line 3	Cammack	ECF No. 219	ECF No. 163	Redact paragraph 123: In 2011, TIAA's required revenue rates across the Comparison Group ranged "from a high of 18 bps to a low of 9 bps," and in 2016 ranged from "a high of [redacted] to a low of [redacted]." Of the Comparison Group, in 2010, the NYU Washington Square
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 123, page 101, lines 10-15	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 124, page 102, lines 3-11 & n. 520	Cammack	ECF No. 219	ECF No. 163	Redact only paragraph 124, line 2 so that it reads: "the [redacted] highest quartile of plan assets, and the [redacted] lowest quartile of fees paid to TIAA."
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 205, page 152, line 10 through page 153, line 2	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 207, page 153, lines 13-14.	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 28, page 29, lines 10-14	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 28, page 30, line 2	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 3, page 3, line 15 & n. 9	Cammack	ECF No. 219	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 36	Plaintiffs	ECF No. 223	ECF No. 163	Redact only the last sentence so that it reads: "Mr. Miller is still invested in the CREF Stock Account in both of those plans, and according to Mr. Miller, his investment in that fund grew by approximately [redacted] over 8 years."

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Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 38	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance number
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 41 references to Monaco's investments	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance numbers
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 45 references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 46, references to Straussner's investments	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance numbers
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 47 references to Brown's investments	Plaintiffs	ECF No. 223	ECF No. 163	Denied
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 48, references to Brown's investments	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance number
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 51, references to Sacerdote's investments	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance number
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 53, references to Samuels's investments	Plaintiffs	ECF No. 223	ECF No. 163	Redact the account balance number
Plaintiffs' Response to Defendant's Local Rule 56.1 Statement of Undisputed Material Facts	Paragraph 85, page 70, lines 7-9	Cammack	ECF No. 219	ECF No. 163	Denied
Vanguard-NYU Feb. 2017 Partnership Report (Rohlf Dec., Ex. 113)	Full document	Vanguard	ECF No. 222	ECF No. 164-113	Redact in full
Summary of October 17, 2013 Vanguard-NYU Meeting (Rohlf Dec., Ex. 47)	Full document	Vanguard	ECF No. 222	ECF No. 164-47	Redact in full
June 2008 Cammack "Observations" to NYU (Rohlf Dec., Ex. 5)	Full document	Cammack	ECF No. 219	ECF No. 164-5	Redact in full
Vanguard-NYU Client Team Summary (Rohlf Dec., Ex. 73)	Full document	Vanguard	ECF No. 222	ECF No. 164-73	Redact in full
Buetow Expert Report	Paras. 65-66	Cammack	ECF No. 219	ECF No. 207-2	Redact paragraph 65 so that it reads: "In its 2008 proposal in response to the RFP for an investment consultant, Cammack stated that it had experience with TIAA and listed its fee on one fund, stating that the fees available to NYU are a small fraction of the Morningstar weighted average. Compare CLC0007983 at 8097 with CLC0001072 at 1089 (comparing the CREF Stock Account fees of [redacted] basis points to a large cap funds from Vanguard and Fidelity that charged [redacted] basis points respectively). This is because the NYU Plans are mega plans which can command, as Cammack [sic] pointed out, fees for as little as [redacted] basis points, less than 10% of Morningstar averages which contain mostly retail funds. CLC0001072."